

ESTTA Tracking number: **ESTTA145687**

Filing date: **06/13/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177747
Party	Defendant PDI, Inc. PDI, Inc. Saddle River Executive Center (SREC), 1 Route 17 South Saddle River, NJ 07458
Correspondence Address	MARC P. MISTHAL GOTTLIEB, RACKMAN & REISMAN, P.C. 270 MADISON AVE NEW YORK, NY 10016-0601 UNITED STATES info@grr.com
Submission	Motion to Consolidate
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Signature	/s/
Date	06/13/2007
Attachments	Mot.Consolidate.pdf ( 3 pages )(42183 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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NICE-PAK PRODUCTS, INC. ,	:	
Opposer	:	Opposition No. 91177663
v.	:	Serial No. 76630046
PDI, INC.,	:	MARK: PDI
Applicant.	:	
-----X		
-and-		
-----X		
NICE-PAK PRODUCTS, INC. ,	:	
Opposer	:	Opposition No. 91177747
v.	:	Serial No. 76630045
PDI, INC.,	:	MARK: PDI and Design
Applicant.	:	
-----X		

MOTION ON CONSENT TO CONSOLIDATE

On June 6, 2007, Opposer Nice-Pak Products, Inc. ("Opposer") filed a Notice of Opposition to the application of PDI, Inc. ("Applicant") to register the mark PDI (Serial No. 76630046). In its Notice of Opposition, Opposer alleges a likelihood of confusion and relies on its registrations, i.e., Reg. Nos. 1,163,330 and 2.367,823. This Notice was recently assigned Opposition No. 91177663.

On June 11, 2007, Opposer filed a second Notice against Applicant opposing its application for the mark PDI and Design (Serial No. 76630045). In

this Notice, Opposer again alleges a likelihood of confusion and relies on its same two registrations, i.e., Reg. Nos. 1,163,330 and 2,367,823. This Notice was assigned Opposition No. 91177747.

When cases involving common issues of law or fact are pending before the Board, the Board may order consolidation of the cases. Regatta Sport Ltd. v. Telux-Pioneer, Inc., 20 USPQ2d 1154 (TTAB 1991), and Helene Curtis Industries, Inc. v. Suave Shoe Corp., 13 USPQ2d 1618 (TTAB 1989). In this case, since the parties are identical, Opposer relies on the same registered marks, and the applied-for marks both include PDI, consolidation is appropriate. In addition, Opposer consents to this application.

Since consolidation of these opposition proceedings will save time, effort and expense, Applicant respectfully requests that this consented motion be granted.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.  
Attorneys for Applicant


By: \_\_\_\_\_

Richard S. Schurin  
Marc P. Misthal

DATED: New York, New York  
June 13, 2007

## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by e-mail and First Class Mail upon counsel for Opposer on June 13, 2007.



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Richard S. Schurin